

**ABOLISH ICE. CLOSE THE IMMIGRATION PRISONS.
DEFEND OUR DEMOCRACY FROM TYRANNY.**

Twenty-two years ago, Congress created a heavily armed militia, put it under the control of the President, and aimed it at some of our country's most vulnerable residents. And at every turn—as refugees die in detention, children are ripped from their parents' arms, people are dragged from their homes and cars, protesters are beaten and imprisoned—Congress responds by increasing ICE's budget and paying for more immigration prisons, most of which are run by private companies making hundreds of millions of dollars off the imprisonment of immigrants.¹ And Donald Trump now has co-opted ICE into his own private army. They are wearing masks and carrying weapons to kidnap people for exercising their First Amendment rights, to break up immigrant-rich communities, to silence protests, and to target Trump's political opponents.

Congress justified ICE's existence by claiming that the agency, its unconstitutional excesses, and the erosion of our civil liberties make our country safe from terrorism. They do not. ICE does not serve the American people or the best interests of our country. In this 22-year-long experiment, it has become clear that ICE is not protecting our country. It is undermining it. And it is past time for Congress to abolish ICE and put an end to immigration detention.

What is ICE?

U.S. Immigrations and Customs Enforcement (ICE) is a law enforcement agency tasked with two broad missions: to enforce civil immigration violations in the interior of the country, and to investigate transnational crimes.² It is housed within the Department of Homeland Security (DHS), both of which were established by the Homeland Security Act of 2002, in the aftermath of the September 11, 2001 terrorist attack. DHS's primary mission was to "prevent terrorist attacks within the United States" and "reduce the vulnerability of the United States to terrorism."³ Moving the enforcement of civil immigration infractions—in other words, the act of

¹ Peter Markowitz, *After ICE: A New Humane & Effective Immigration Enforcement Paradigm*, 55 WAKE FOREST L. REV. 89, 90, 104 (2020); *see also* One Big Beautiful Bill Act, Pub. L. 119-21, 139 Stat. 72, §§ 90003(a), 90007, 100052 (2005) (appropriating \$29.85 billion to ICE, \$45 billion for increasing immigration detention capacity, and a \$10 billion DHS slush fund "to safeguard the borders of the United States").

² U.S. Immigration and Customs Enforcement, <https://www.ice.gov/about-ice> (last accessed Sept. 17, 2025).

³ 6 U.S.C. § 111(a)-(b).

living in our country without documentation—under the umbrella of counter-terrorism sent a clear message: immigrants were to be viewed and treated as a threat to our country's security.

ICE has never been required to prioritize the arrest and removal of noncitizens who have been found guilty of committing terrorism-related or violent offenses. The agency's priorities are set by the president, who maintains near-total control over ICE's direction and operations.

What is immigration detention?

Immigrants who face removal proceedings in immigration report can be released on recognizance or bond, placed under surveillance, or detained.⁴ While some immigrants are subject to mandatory detention by statute,⁵ in general the arresting immigration authority has broad discretion to decide whether to release or detain, with the President having significant control over these agencies' detention policies and practices.

The United States has the world's largest immigration detention system.⁶ Many of these facilities are located in remote areas, far from the immigrants' families and legal support.⁷ The vast majority of detained immigrants are being held in for-profit private prisons.⁸ CoreCivic, Inc. and GEO Group, Inc. are the two largest for-profit prison companies. Together, they manage more than half of all private prisons in the country, including immigration and non-immigration detention.⁹ They also own prison transport and immigrant and prisoner

⁴ 8 CFR § 1003.19 (Custody/bond.).

⁵ 8 U.S.C. § 1226(c) (establishing mandatory detention for immigrants who have committed certain crimes).

⁶ Alina Das, *The Law and Lawlessness of U.S. Immigration Detention*, 138 HARV. L. REV. 1186, 1188 (2025); Altaf Saadi et al, *Understanding US Immigration Detention: Reaffirming Rights and Addressing Social-Structural Determinants of Health*, 22 HEALTH & HUMAN RIGHTS J. 187, 188 (2020). See generally AM. IMMIGRATION COUNCIL, *Immigration Detention in the United States by Agency* (Aug. 20, 2025), <http://bit.ly/3VBbQ64> (overview of the agencies involved in immigration detention).

⁷ Emily Ryo & Ian Peacock, *The Landscape of Immigration Detention in the United States*, AM. IMMIGRATION COUNCIL at 2 (2008), <http://bit.ly/3VxxFDx>.

⁸ TRANSACTIONAL RECORDS ACCESS CLEARINGHOUSE, *Immigration Detention Statistics: A Retrospective and a Look Forward* (Feb. 21, 2025), <https://tracreports.org/reports/753/>; Das, *supra* note 5, at 1196–97 (citing U.S. IMMIGR. & CUSTOMS ENFT, ICE DETENTION STATISTICS (2023), https://www.ice.gov/doclib/detention/FY23_detentionStats.xlsx); Ryo & Peacock, *supra* note 7, at 2; David S. Rubenstein & Pratheepan Gulasekaram, *Privatized Detention & Immigration Federalism*, 71 STAN. L. REV. ONLINE 224, 225 (2019), <http://bit.ly/3IIYeCP>.

⁹ Livia Luan, *Profiting from Enforcement: The Role of Private Prisons in U.S. Immigration Detention*, MIGRATION POLICY INSTITUTE (May 2, 2018), <http://bit.ly/4nnzvmM>.

surveillance companies. Private prisons have contributed millions of dollars to Trump and to primarily Republican candidates for office, and they spend millions on lobbying.¹⁰

Immigration detention is supposed to be civil, not punitive. But detainees, including children, are typically held in secured prison facilities, forced to adhere to prison-like rules, and subject to solitary confinement as punishment for in-facility infractions. Children are supposed to be afforded special protections, but these protections too often fail and they are subject to conditions of severe abuse and neglect. And because these purportedly are civil detention facilities, courts give them the benefit of the doubt: if the agency in charge of the facility can claim that the restrictions serve a “rational purpose,” courts will find that the conditions of confinement, however inhumane, are not punitive.¹¹

Currently, more than 70% of the more than 58,000 people currently detained have no criminal convictions. Of the remaining 30%, most have committed only minor offenses.¹² These numbers will get worse. ICE and other immigration agencies are denying immigrants bond hearings,¹³ and Trump is rapidly expanding detention facility capacity, using \$45 billion from Congress to build new facilities to house more than 100,000 immigrants per day, including children and families.¹⁴

¹⁰ OPEN SECRETS, *For-profit Prisons Summary*, <https://www.opensecrets.org/industries/indus?ind=G7000>; OPEN SECRETS, *For-profit Prisons Lobbying*, <https://www.opensecrets.org/industries/lobbying?cycle=2024&ind=G7000>.

¹¹ *See Hope v. Warden York County Prison*, 972 F.3d 310, 327 (3d Cir. 2020) (finding that the district court failed to consider “legitimate government objective[s]” when it found that “unsanitary, tightly-packed” immigration detention facilities during the COVID pandemic were unconstitutional, and overturning that ruling).

¹² TRANSACTIONAL RECORDS ACCESS CLEARINGHOUSE, *Immigration Detention Quick Facts* (as of Sept. 7, 2025), <https://tracreports.org/immigration/quickfacts/>.

¹³ *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025); Miriam Jordan, *Under Trump Policy, Bonds for Immigrants Facing Deportation are Vanishing*, N.Y. TIMES (Sept. 24, 2025), <http://bit.ly/4nsoDEe>.

¹⁴ One Big Beautiful Bill Act, Pub. L. 119-21, 139 Stat. 72, §§ 90003(a), 90007, 100052 (2005) (appropriating \$29.85 billion to ICE, \$45 billion for increasing immigration detention capacity, and a \$10 billion DHS slush fund “to safeguard the borders of the United States”); Douglas MacMillan, N. Kirkpatrick, & Lydia Sidhom, *ICE Documents Reveal Plan to Double Immigrant Detention*, WASH. POST (Aug. 15, 2025), <http://bit.ly/4mBpxgj>.

Under Trump, ICE is enabling significant constitutional violations, undermining civil liberties, and committing human rights abuses.

ICE and immigration detention have long been responsible for perpetrating a vast catalog of civil liberty violations and human rights abuses, including racial profiling, unconstitutional policing, and abusive arrests by ICE officials and 287(g) local law enforcement partners;¹⁵ medical neglect, forced sterilization, sexual assault by employees and other detainees, sleep deprivation, and inhumane solitary confinement of detained immigrants;¹⁶ and the forcible separation of migrant families at the border.¹⁷

Since Trump took office for the second time, ICE's abuses, and the abuses of people in immigration detention, have taken an even more dangerous turn. From its local law enforcement deputies to its agents to its highest ranking officers, the agency's employees have proven willing to trample on the rights of migrants and citizens to meet Trump's demands. For months, ICE agents have been carrying out

¹⁵ See *Melendres v. Arpaio*, 989 F. Supp.2d 822 (D. Az. 2013) (finding that Maricopa County's Sheriff's Office carried out unconstitutional and discriminatory policing practices pursuant to a 287(g) agreement); Letter from Thomas E. Perez, Asst. Att'y Gen., U.S. Dep't of Justice, to Clyde B. Albright, Cnty. Att'y, Alamance Cnty. & Chuck Kitchen, Turrentine Law Firm 2 (Sept. 18, 2012), <https://perma.cc/Q95P-VV7K> (discussing revocation of 287(g) in Alamance County, North Carolina); see generally Yuyen Pham, *287(g) Agreements in the Trump Era*, 75 WASH. & LEE L. REV. 1253, 1272-73 (2018); Kavitha Surana, *How Racial Profiling Goes Unchecked in Immigration Enforcement*, PROPUBLICA (June 8, 2018), <http://bit.ly/3Ki8S41>.

¹⁶ Elizabeth C. Ghandakly & Rachel Fabi, *Sterilization in US Immigration and Custom Enforcement's (ICE's) Detention: Ethical Failures and Systemic Injustice*, 111 AM. J. PUB. HEALTH 832 (2021); PHYSICIANS FOR HUMAN RIGHTS, *"Endless Nightmare": Torture and Inhumane Treatment in Solitary Confinement in U.S. Immigration Detention* (2024), <http://bit.ly/4nwiXNt>; Richard Gonzales, *Sexual Assault of Detained Migrant Children Reported in the Thousands Since 2015*, NPR (Feb. 26, 2019), <http://bit.ly/4mBXaPc>; Saadi, note 5, at 190; Ryo & Peacock, *supra* note 7, at 5 ("there are growing reports of civil and human rights violations in detention, including substandard medical care, sexual and physical abuse, and exploitative labor practices. ICE acknowledged at least 185 deaths in detention between October 2003 and July 2018"); Sarah Paoletti & Azadeh Shahshahani, *Bridging the Accountability Gap: A Call to Action for Migrants Subjected to Abuse in U.S. Custody*, 28 UCLA J. Int'l L. & Foreign Aff. 71, 103-09 (2024) (cataloging abuses of migrants in ICE custody in a Georgia facility).

¹⁷ Caitlin Dickerson, *We Need To Take Away Children*, THE ATLANTIC (Aug. 7, 2022), <http://bit.ly/3IImpRR>; HUMAN RIGHTS WATCH, *"We Need To Take Away Children": Zero Accountability Six Years After "Zero Tolerance"* (Dec. 16, 2024), <http://bit.ly/42aseGo> [hereinafter Human Rights Watch Report].

workplace raids,¹⁸ setting up checkpoints,¹⁹ roaming U.S. streets,²⁰ and stalking courthouses, immigration offices, and once-protected areas at the heart of immigrant-rich communities.²¹ Trump also is using ICE to serve other elements of his political agenda—specifically his campaigns to silence and punish critics, to disrupt and oppress Black and Latino communities, and to weaponize the federal government against any person or community that opposes him. He is unleashing massive ICE assaults on cities with sanctuary policies and leaders who oppose Trump, including Chicago, Boston, Washington, D.C., and Los Angeles.²² He used peaceful protests against ICE incursions into Los Angeles communities as an excuse to deploy military force to the city.²³ He seeded ICE agents into his military takeover of Washington, D.C., with ICE swiftly taking active roles in the occupation.²⁴ And he is abusing the power of ICE to carry out targeted attacks on people whose speech or political positions he disfavors, including by stripping visas from, kidnapping, and imprisoning students and academics who have spoken in support of Palestine, including Mohsen Mahdawi, Rûmeysa Öztürk, and Mahmoud Khalil.²⁵

¹⁸ Lydia DePhillis & Hamed Aleaziz, *Georgia ICE Raid Netted Workers with Short-Term Business Visas*, NY Times (Sept. 12, 2025), <http://bit.ly/46mAoG5>; Nathaniel Meyersohn & Vanessa Yurkevich, *America's Migrant Workers Are Terrified to Work But Unable to Stay Home*, CNN (June 14, 2025), <http://bit.ly/46IbDmB>.

¹⁹ Emma Uber & Lauren Morello, *Checkpoint with ICE Agents Met by Protesters in D.C.*, WASH. POST (Aug. 14, 2025), <http://bit.ly/4pGRmGA>.

²⁰ Dani Anguiano, *Supreme Court Lifts Restrictions on LA Immigration Raids in Win For Trump*, THE GUARDIAN (Sept. 8, 2025), <http://bit.ly/4mAdG22>.

²¹ Irene Rotondo, *Judge Finds ICE Agent in Contempt of Court After Boston Mad Detained Mid-Trial*, MASSLIVE (Mar. 31, 2025), <http://bit.ly/481C8Wr>; Karla Rendon, *6 Detained During Immigration Raid in Pasadena, Nonprofit Says*, NBC LOS ANGELES (June 18, 2025), <http://bit.ly/4nubiva>; Vicki B. Gaubeca, *Trump Takes Advantage of Anti-ICE Protests in California*, HUMAN RIGHTS WATCH (June 9, 2025), <http://bit.ly/4gHgHvZ>.

²² Jeff Arnold & Ali Bradley, *As Chicago, Boston Ops Ramp Up, 'ICE is Everywhere': DHS Sources*, THE HILL (Sept. 9, 2025), <http://bit.ly/4pNPIDp>; Michelle Krupa & Elizabeth Wolfe, *Tensions are Rising in Southern California Over Immigration Raids. Here's What We Know*, CNN (July 13, 2025), <http://bit.ly/46VZw6A>; Nick Turse, *Trump Escalates Assault on Chicago with 'Operation Midway Blitz'*, THE INTERCEPT (Sept. 8, 2025), <http://bit.ly/3ICPtR>.

²³ Lauren Gambino, *Trump Illegally Deployed National Guard During LA Ice Protests, Judge Rules*, THE GUARDIAN (Sept. 2, 2025), <http://bit.ly/482g3XM>.

²⁴ Jenny Gathright, *Trump's D.C. Emergency Has Ended. ICE and the National Guard Can Stay*, WASH. POST (Sept. 11, 2025), <http://bit.ly/42dTL1D>; Lauren Chadwick, *Trump Says He Will Call National Emergency Again in Washington, DC, If Police Fail to Cooperate with ICE*, CNN (Sept. 15, 2025), <http://bit.ly/4nOK1D5>; Vera Vergengruen, Michelle Hackman, & Lara Seligman, *Trump's 'Law and Order' Push in D.C. Looks a Lot Like An Immigration Raid*, WALL ST. J. (Aug 20, 2025), <http://bit.ly/4gMS0i4>.

²⁵ Jose Olivares, *DoJ Lawyers Say Detained Tufts Student Was Sent to Louisiana Before Court Order*, THE GUARDIAN (Mar. 27, 2025), <http://bit.ly/4pGVoig>; Gloria Oladipo, *'A Warning For Students of Color': Ice Agents are Targeting Certain Protesters, Say Experts*, THE GUARDIAN (Mar. 26, 2025), <http://bit.ly/4mvVHtH>; Ana Ley, *Columbia Student Who Was Arrested at Citizenship Interview*

ICE has assisted Trump to evade court oversight, violate the Constitution, and skirt legal constraints. ICE officials, directly, in coordination with other government agencies, or through contractors, have:

- Participated in a scheme to abruptly remove hundreds of Guatemalan children asylum-seekers from Office of Refugee Resettlement facilities and fly them to Guatemala without notice over a holiday weekend to evade immigration advocate interference or court oversight.²⁶
- Kidnapped lawfully present visa-holders, moved them to multiple locations to obscure their location, and placed them in detention thousands of miles from their families and attorneys to evade habeas proceedings and limit their access to sufficient legal assistance.²⁷
- Flew hundreds of migrants to El Salvador for imprisonment in a maximum security facility known for human right abuses.²⁸
- Moved hundreds or thousands of migrants through multiple facilities and onto planes to be flown out of the country, often without providing sufficient due process to the removed migrants.²⁹

is Freed, N.Y. TIMES (May 2, 2025), <http://bit.ly/428CM0K>; Jonah E. Bromwich, ‘Justice Will Prevail,’ *Mahmoud Khalil Says as He Goes Free On Bail*, N.Y. TIMES (June 20, 2025), <http://bit.ly/46CgbuR>.

²⁶ Rebecca Santana & Valerie Gonzalez, *Judge Blocks Trump Administration from Deporting Guatemalan Migrant Children*, AP NEWS (Sept. 18, 2025), <http://bit.ly/4gDm7rW>.

²⁷ Jose Olivares, *DoJ Lawyers Say Detained Tufts Student Was Sent to Louisiana Before Court Order*, THE GUARDIAN (Mar. 27, 2025), <http://bit.ly/42dU64p>; Jaclyn Diaz & Adrian Florido, *Why is Trump Sending Immigrant University Scholars to Louisiana and Texas?*, NPR (Apr. 8, 2025), <http://bit.ly/46AY9ci>.

²⁸ Cecilia Vega, *U.S. Sent 2388 Migrants to Salvadoran Mega-Prison; Documents Indicate Most Have No Apparent Criminal Records*, CBS NEWS (Apr. 6, 2025), <http://bit.ly/4gR5LvZ>; Sergio Martinez-Beltran & Manuel Rueda, ‘Hell on Earth’: Venezuelans Deported to El Salvador Mega-Prison Tell of Brutal Abuse, NPR (July 27, 2025), <http://bit.ly/3Kmlg2T>.

²⁹ See *J.G.G. v. Trump*, 788 F. Supp. 3d 24 (D.D.C. 2025) (finding probable cause for holding Trump officials in criminal contempt for carrying out deportation flights in disregard of TRO); *rev’d* 147 F.4th 1044, 1047-49 (mem.) (D.C. 2025) (granting mandamus to government to reverse lower court ruling, but laying out the timeline of Trump officials’ efforts to deport despite ongoing emergency court proceedings); Martha Bellisle, *US Deportation Flights Hit Record Highs as Carriers Try to Hide the Planes, Advocates Say*, THE AP (Aug. 27, 2025), <http://bit.ly/4nQv6bQ>; Ximena Bustillo & Jasmine Garsd, *Judge Says Trump Administration Violated Court Order on Third-Country Deportation*, NPR (May 21, 2025), <http://bit.ly/46q8mJW>; Kelly Garrity, Kyle Cheney, & Josh Gerstein, *Trump Admin Deportation Flight to South Sudan Violated Court Order, Judge Rules*, POLITICO (May 21, 2025), <http://bit.ly/4nHExKk>; Hassan Ali Kanu, Erica Orden, & Josh Gerstein, *Boasberg Finds Probable Cause to Hold Trump Officials in Criminal Contempt Over Deportation Flights*, POLITICO (Apr. 16, 2025), <http://bit.ly/42b8daE>.

- Disappeared hundreds of men from “Alligator Alcatraz,” who remain missing a month after they were to have left the facility.³⁰
- Engaged in violence against protesters and arrestees.³¹
- Orchestrated and controlled the confinement of migrants—including children—in inhumane, crowded, and abusive conditions.³²
- Orchestrated end-runs around normal removal procedures by dismissing active immigration cases, then arresting, detaining, and moving the immigrant in order to deprive them of due process and attorney access.³³
- Sent roving patrols into California neighborhoods to detain people solely on the basis of their apparent race and ethnicity; for speaking Spanish or English with an accent; for their presence in Latino-heavy neighborhoods; or their employment.³⁴

Under Trump’s command, ICE operates in the shadows, shielded from accountability. Arrests, raids, and city sweeps are being carried out by plainclothes, masked ICE agents without identification.³⁵ ICE attorneys are also refusing to identify themselves in court, and courts are allowing it, protecting ICE attorneys’

³⁰ Ben Wieder & Shirsho Dasgupta, *Hundreds of Alligator Alcatraz Detainees Drop Off the Grid After Leaving Site*, MIAMI HERALD (Sept. 16, 2025), <http://bit.ly/3KDROFw>.

³¹ Margaret Kafida & Joe Rivano Barros, *ICE Pepper Sprays Protesters and Press at S.F. Immigration Court*, MISSION LOCAL (Aug. 20, 2025), <http://bit.ly/3KjhMOG>; The AP, *Caught on Video: ICE Agents Smash Car Window, Detain Guatemalan Man in Mass.*, MASSLIVE (Apr. 17, 2025), <http://bit.ly/4pLpvoY> (while occupants were in car, ICE officials smashed in a car window to grab and arrest one of its occupants while he was on his way to a dentist appointment); Leo Stallworth & Leanne Suter, *ICE Agents Ram Car to Take Man Into Custody in Boyle Heights*, ABC7 NEWS (June 11, 2025), <http://bit.ly/3We4plj> (ICE officers engaged in car chase, rammed into a civilian’s car and then pinned it between two unmarked cars, threw a tear gas cannister near the vehicle, whose occupants consisted of a man, a woman, a toddler, and a baby, then dragged the man out of the car and took him away, leaving the scene of the crash).

³² See Jon Ossoff, *The Abuse of Pregnant Women and Children in U.S. Immigration Detention*, July 30, 2025, <https://perma.cc/H3YB-2Q37> (documenting credible reports of human rights abuses against individuals held in immigration detention in the United States or on U.S. military bases).

³³ Andrew Gumbel, *How Trump Has Turned the Legal System ‘On It Head’ to Meet Deportation Goals*, THE GUARDIAN (Sept. 19, 2025), <http://bit.ly/4nVndC1>.

³⁴ Noem v. Vasquez Perdomo, No. 25A169, 606 U.S. __ (2025) (Sept. 8, 2025), https://www.supremecourt.gov/opinions/24pdf/25a169_5h25.pdf; Amy Howe, *Supreme Court Allows Federal Officers to More Freely Make Immigration Stops in LA*, SCOTUSblog (Sept. 8, 2025), <http://bit.ly/46VLyle>; Adrian Florido, ‘Antagonized for Being Hispanic’: Growing Claims of Racial Profiling in LA Raids, NPR (July 4, 2025), <http://bit.ly/4nNkqKR>; Miriam Waldvogel, *Homan Claims ICE Officers ‘Don’t Need Probable Cause’ to ‘Briefly Detain’ People*, THE HILL (July 11, 2025), <http://bit.ly/46EZfUr>.

³⁵ Jose Olivares, *Democratic Lawmakers Seek Answers from Homeland Security Head about Masked Ice Agents*, The Guardian, July 25, 2025, <http://bit.ly/3VAi9Xu>; Emma Tucker, *As Trump’s Immigration Crackdown Continues, Ethics Questions are Being Raised Over the Use of Masked Federal Agents*, CNN (Apr. 8, 2025), <http://bit.ly/3Ik9XYu>.

anonymity even as these attorneys aggressively push for the deportation of the migrants they oppose, and even as those migrants and their attorneys are required to identify themselves on record.³⁶

Citizens have never been immune to ICE's overreach,³⁷ and under Trump they face new risks of being swept up in ICE's racially discriminatory, mass-arrest approach to immigration policing.³⁸ Citizens have been arrested in raids, including in their own homes.³⁹ Members of Native nations have been interrogated and detained by ICE, deprived of opportunities to contact family members, and questioned about their tribal identification cards.⁴⁰ ICE has subjected civilian protesters to detention, seemingly in retaliation for their constitutional protesting activities, some of whom are being subject to baseless criminal charges either for exercising their First Amendment rights, or for simply being an unwitting bystander to anti-ICE protests.⁴¹ And ICE has deported minor citizen children, including a 4-year-old boy with stage 4 kidney cancer.⁴²

Victims of ICE's raids and arrests are being funneled into detention facilities, often after being repeatedly moved through multiple facilities and ending up far

³⁶ Debbie Nathan, *ICE Lawyers are Hiding Their Names in Immigration Court*, THE INTERCEPT (July 15, 2025), <http://bit.ly/42MOZIs>.

³⁷ U.S. GOV'T ACCOUNTABILITY OFFICE, IMMIGRATION ENFORCEMENT: ACTIONS NEEDED TO BETTER TRACK CASES INVOLVING U.S. CITIZENSHIP INVESTIGATIONS, GAO-21-487 (July 2021), <https://www.gao.gov/assets/gao-21-487.pdf>; Paige St. John & Joel Rubin, *ICE Held An American Man in Custody For 1,273 Days. He's Not the Only One Who Had to Prove Citizenship*, LA TIMES (Apr. 27, 2018), <http://bit.ly/4nOudjO>.

³⁸ A lower court judge correctly enjoined ICE's discriminatory immigration stops in seven California counties, finding that there was a "mountain of evidence" that ICE was sending "roving patrols" to "indiscriminately round[] up numerous individuals without reasonable suspicion and . . . deny[] these individuals access to lawyers." *Vasquez Perdomo v. Noem*, 2025 WL 1915964, at *1, -- F. Supp. 3d -- (C.D. Cal. July 11, 2025). The Supreme Court stayed the lower court ruling with no explanation. *Noem v. Vasquez Perdomo*, 2025 WL 2585637 (mem.), 606 U.S. -- (Sept. 8, 2025).

³⁹ John Garcia et al, *2 Apparent US Citizens Swept up in Elgin ICE Raid Documented on Noem's Social Media: VIDEO*, ABC7 NEWS (Sept. 16, 2025), <http://bit.ly/4gHDubg>.

⁴⁰ Luna Reyna, *Native Nations Mobilize Against ICE Targeting and Profiling*, UNDERSCORE (Feb. 11, 2025), <http://bit.ly/47WqoVd>; Alaa Elassar, *Navajo Nation Leaders Raise Alarm Over Reports of Indigenous People Being Questioned and Detained During Immigration Sweeps*, CNN (Jan. 27, 2025), <http://bit.ly/46Fo0Qv>; Shondiin Silversmith, *Reports of Navajo People Being Detained in Immigration Sweeps Sparks Concern from Tribal Leaders*, AZ MIRROR (Jan. 24, 2025), <http://bit.ly/4pGXl8Y>.

⁴¹ Luz Pena, *Federal Agents Arrest US Citizen for 24 Hours After ICE Protest Outside SF Immigration Building*, ABC7 NEWS (Aug. 22, 2025), <http://bit.ly/46M6VEC>; Sam Levin, *US Citizens Jailed in LA Ice Raids Speak Out: 'They Came Ready to Attack'*, THE GUARDIAN (Aug. 5), 2025, <http://bit.ly/42ex7WW>.

⁴² Edward Helmore, *Ice Deported Boy with Cancer and Two Other US Citizen Children to Honduras, Suit Alleges*, THE GUARDIAN (Aug. 14, 2025), <http://bit.ly/46Dn3YW>.

from home, families, and attorneys.⁴³ Conditions of confinement are poor and abusive, particularly given the speed at which private and federal facilities are ramping up capacity.⁴⁴ Immigrants have been subject to inhumane conditions of confinement by ICE during every administration, but it is now by design. As it was in Trump’s first administration, inhumane conditions of immigrant confinement, including children, is a featured element of Trump’s anti-immigrant agenda.⁴⁵

Trump has exploited ICE and our country’s system of immigration detention because both are inherently vulnerable to exploitation. They have become featured players in his bid to quash civil rights, silence his opponents, and undermine the Constitution because the agency and the system are built to serve these anti-American agendas. They should be abolished.

Does ICE and immigration detention make our country safer?

No. In the first 10 years after September 11, although removals of immigrants had increased significantly, the removal of terrorists, serious criminals, and national security threats *declined*.⁴⁶ Deportations were up, but only of immigrants responsible solely for civil infractions (being in the country without documentation) or minor infractions (like traffic violations). The pattern continues through Trump’s second term. Though Trump and his senior officials repeatedly claim that they are targeting “violent criminals,” they are not. Between October 2024 and June 2025, 65% of ICE arrests were of individuals with no criminal convictions; more than 93% of ICE arrests were of individuals without any violent offense conviction.⁴⁷ In fact, ICE has cut back on fugitive operations—the pursuit of undocumented individuals accused of serious crimes who have fled law enforcement—in favor of mass arrests at workplaces, community meeting places, even immigration offices.⁴⁸

⁴³ TRANSACTIONAL RECORDS ACCESS CLEARINGHOUSE, *ICE Contractual Capacity and Number Detained: Overcapacity vs. Overcrowding* (Jul. 8, 2025), <https://tracreports.org/reports/762/>.

⁴⁴ Meg Anderson, *Private Prisons and Local Jails are Ramping Up as ICE Detention Exceeds Capacity*, NPR (June 4, 2025), <http://bit.ly/4nlYy9D>.

⁴⁵ Dickerson, *supra* note 15; Human Rights Watch Report, *supra* note 15.

⁴⁶ Michele Waslin, *Ten Years After 9/11, Is the U.S. Deporting Those Who Threaten To Do Us Harm?* AM. IMMIGRATION COUNCIL (Sept. 13, 2011), <https://bit.ly/4mDicga>.

⁴⁷ David Bier, *65 Percent of People Taken by ICE Had No Convictions, 93 Percent No Violent Convictions*, CATO INSTITUTE (June 20, 2025), <http://bit.ly/4mBtqlg>.

⁴⁸ *Id.*; Jennie Taer, *Trump Admin’s 3,000 ICE Arrests Per Day Quota is Taking Focus Off Criminals and ‘Killing Morale’: Insiders*, NY POST (June 17, 2025), <http://bit.ly/4gFzyrn>. Trump is also drawing resources away from other federal agencies that have been expected to participate in ICE-led immigration raids. Julia Ainsley et al., *A Sweeping new ICE Operation Shows How Trump’s Focus*

The strategy of mass arrest, imprisonment, and removal of immigrants who have only committed civil immigration offenses or minor criminal infraction also has undermined the security and stability of communities across the country, in which immigrants, documented and undocumented, play vitally important roles. It also has led to widespread civil rights violations of citizens and documented immigrants, from the harassment of indigenous Americans to the deportation of American children, from the arrest of ICE protesters to the stripping of visas and kidnapping of outspoken students.

Any system that places an army of unchecked power in the hands of the executive, with broad authority to set its policies to serve his own agenda, is vulnerable to anti-democratic abuse. Moreover, any system that defines entire communities, ethnicities, and cultures as the enemy is antithetical to the functioning of a democracy. The encroachment on our rights will not stop at immigrants, their families, or their neighborhoods. But even if it did, ICE would still represent a serious threat to our democratic ideals, values, and institutions.

Do we need ICE and immigration detention?

No. Experts in the field have long proposed alternatives to an enforcement- and detention-centric approach to immigration.⁴⁹ This includes shifting to a process that prioritizes compliance instead of punishment. ICE is only 22 years old; and immigration detention, while older than that, has a shameful past and only began to accelerate in the mid-1990s. The United States has long grappled with the complex questions of immigration without relying on an agency and institution that fundamentally is at odds with our democratic values.

Conclusion

ICE's structure and mission, which places total control in the hands of the executive branch and presumes that the enforcement of civil immigration policies is part of the United States' counter-terrorism mandate, is ripe for abuse. And abuse is precisely what we have seen under the second Trump administration. ICE has

on Immigration is Reshaping Federal Law Enforcement, NBC NEWS (June 4, 2025), <http://bit.ly/3VDAfI6>.

⁴⁹ See AM. IMMIGRATION COUNCIL, ALTERNATIVES TO IMMIGRATION DETENTION: AN OVERVIEW (July 11, 2023), <http://bit.ly/48Bhs7V>; Markowitz, *supra* note 1, at 97-98; César Cuauhtémoc García Hernández, *Abolishing Immigration Prisons*, 97 B.U. L. REV. 245, 292 (2017).

turned itself and its bloated budget over to Trump, who is treating ICE as a private army whose enemies are Trump's enemies, from immigrant-rich communities to political dissidents. Detention—long rife with human rights and civil liberty abuses—has become a weapon in Trump's arsenal, a means of visiting harsh punishments on thousands of people for existing in this country, for speaking against Trump's policies, for living in communities that oppose Trump's policies. Both the agency and the system of detention undermine the United States' security agenda and democratic values.

Free Speech For People therefore endorses the abolishment of the U.S. Immigration and Customs Enforcement (ICE) and calls for the end of immigration imprisonment.